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12 Attorneys for Plaintiff  
GOPRO, INC.

13  
14 UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 GOPRO, INC., a Delaware corporation,  
17  
Plaintiff,  
18  
v.  
19 360HEROS, INC., a Delaware corporation,  
20  
Defendant.  
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Case No. 3:16-cv-16-01944 (SI)

**DECLARATION OF JOHN D.  
PRATT IN SUPPORT OF GOPRO'S  
REPLY RE MOTION FOR  
SUMMARY JUDGMENT**

Date: November 3, 2017  
Time: 9:00 a.m.  
Ctm: 1, 17<sup>th</sup> Floor  
Hon. Susan Illston

1 I, John D. Pratt, hereby declare and state:

2 1. I am the Principal of Argos Forensic Engineering which is a company I founded in  
3 June 2005 to provide product development support and litigation consulting. I provided a  
4 Declaration in Support of GoPro's Motion for Summary Judgment signed on September 15, 2017.  
5 My CV and list of cases in which I have served as an expert are attached to that declaration.

6 2. I have reviewed 360Heros' opposition brief and exhibits 356 and 357 in support of  
7 360Heros' opposition brief. I analyzed 360Heros' new infringement theories discussed in the  
8 opposition brief and those two exhibits.

9 3. I understand now that 360Heros argues that the Odyssey rig has "receptacles" in the  
10 area bounded by the wedge-shaped structures inside the Odyssey rig. I also understand that  
11 360Heros now argues that the "receptacles" have "an open" end because "each receptacle includes a  
12 corresponding camera lens portal [i.e., a lens hole] and camera portal [i.e., an I/O access hole]."  
13 Thus, it is my understanding that 360Heros identifies the "receptacle" as the area bounded by the  
14 wedge-shaped structures, the front face of the base plate, and the bottom of the base plate with the  
15 opening for the I/O port on the camera. There is nothing restraining the camera on the back side,  
16 thus the camera can move radially toward the center of the rig. Therefore, 360Heros' new argument  
17 for "receptacle" does not hold a camera in place as required by the Court's claim construction.

18 4. Attached as Exhibit A is a true and correct copy of a photograph I had taken of the  
19 GoPro Odyssey rig, showing the space behind the camera area which 360Heros says is the  
20 "receptacle."

21 5. I make this declaration on my own personal knowledge, unless otherwise indicated.  
22 If called upon to testify regarding the accuracy of the information provided in my declaration, I  
23 could and would testify competently thereto. I reserve the right to amend or update this declaration  
24 based on any new information, claim constructions, or positions that may come to light due to this  
25 litigation.  
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed on October 12, 2017 at Laguna Niguel, California.  
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5 JOHN D. PRATT  
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## EXHIBIT A

